

Law Offices of  
**Brogdon  
& Bunch, LLP**

**JOY S. BUNCH, ESQ.**

ATTORNEY AND COUNSELOR-AT-LAW

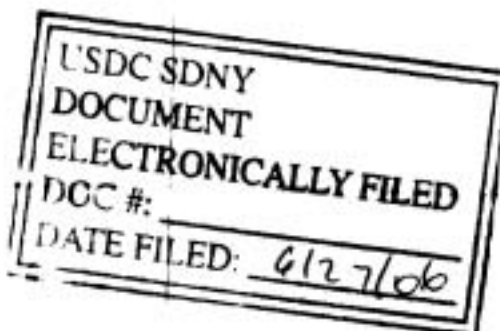
GERARD E. BROGDON, ESQ.

JOY S. BUNCH, ESQ.

June 15, 2006

Honorable Kenneth M. Karas  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 920  
New York, New York 10007

Re: Batista v. NYC, et. al.  
Index No. : 05 Civ. 8444



To the Honorable Kenneth M. Karas:

I am writing this letter to request a Pre-Motion Conference. The substance of the motion that I wish to make, simply deals with substituting Defendants named in the caption of the above referenced matter. To clarify the situation, "Hillsborough County Department of Corrections" and "Hillsborough County Department of Probation", were named as Defendants. However, the above mentioned entities do not exist, as the department of Corrections is a State agency and Probation is a division of the Corrections agency. Therefore, the caption should read State of Florida, Department of Corrections, and State of Florida, Tampa East Probation and Parole. Although the proper parties were served, and the Attorney General's Office informally appeared in December of 2005, it was determined in April of 2006, that the Attorney General's office in Florida would not officially appear unless the caption was amended. I have attached a copy of the letter received from Assistant Attorney General Siebens.

During a Pre-trial conference, which took place on April 24, 2006, the Honorable John Sprizzo was advised of the situation, and informed myself and Assistant Corporation Counsel Hillary Frommer, Esq., that I should file leave to amend. He also informed us that this case would most likely be transferred to another Judge. After being advised of said transfer and conferring with Ms. Frommer, Esq., I respectfully request that a Pre-motion conference be held for this matter to address this issue. Ms. Frommer has given her consent to said conference and we both agreed that it is convenient for said conference to be held on the same day as the Status Conference which is scheduled for July 12, 2006.

If you have any questions, please do not hesitate to contact the undersigned.

*So ordered.*

Sincerely,

*Joy S. Bunch*

Joy S. Bunch, Esq.

LAW OFFICES OF BROGDON & BUNCH, LLP

cc: Hillary Frommer, Esq.; Assistant Corporation Counsel  
Gerald D. Siebens; Assistant Attorney General



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April 20, 2006

Law Offices of Brogdon & Bunch, LLP  
Attn: Joy S. Bunch  
250 Fulton Avenue, Suite M200  
Hempstead, NY 11550  
facsimile (516) 292-3858

Re: Batista v. NYC et. al  
Case No: 1:05-cv-08444-JES

Dear Ms. Bunch:

I received your letter dated April 6, 2006 in my office on Tuesday April 18, 2006. Please be advised that while my address is 501 East Kennedy Blvd, Tampa, Florida I am employed by the Office of the Attorney General, not the Florida Department of Corrections. This may have been the reason for the delay of the letter arriving at my desk.

As we previously discussed, the lawsuit lists Hillsborough County Department of Corrections as a named party but the summons was issued for John Edward, Regional Director with the Florida Department of Corrections. It was also discussed whether I could accept service at that time, or if the appropriate party would need to be listed and served. I have attempted to obtain this information from my client, the Florida Department of Corrections. Unfortunately due to personnel changes at the upper level I have not received the authority to accept service on their behalf.

Therefore, since the State of Florida, Department of Corrections was not listed as a party or properly served, and I have not filed an appearance in the case, I do not believe that it would be appropriate for me to attend the pre-trial conference scheduled for Monday, April 24, 2006.

If you have any questions regarding this letter please do not hesitate to contact me.

Sincerely,

  
Gerald D. Siebens  
Assistant Attorney General